IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 863 OF 2007

M/s.Agarmet Alloys Pvt.Ltd. ... Petitioner.

V/s.

The Asstt. Commissioner of Customs, Gr.VIID (Monitoring Cell), Mumbai and others. ... Respondents.

Anil Balani for the petitioner.

Y.S.Bhate with A.M.Sethna i/b. H.P.Chaturvedi for the respondents.

CORAM : DR.S.RADHAKRISHNAN and V.C.DAGA, JJ.

DATED : 25th April 2007.

P.C. :

. Heard learned counsel for the petitioner and learned counsel for the respondents.

2. The learned counsel for the respondent states that the respondents were not aware of the order of this Court dated 22nd September, 2005 and, therefore, the letters dated 22nd February 2007 and 15th March 2007 were inadvertently issued to the petitioner and the said letters stand withdrawn. He further submits that that the respondent shall immediately communicate to the bank that they are not desirous of invoking the bank guarantee. He submits that the concerned officer is present in the Court and has understood the order.

3. The learned counsel for the petitioner states that the petitioner shall keep the bank guarantee alive till final adjudication and four weeks thereafter.

4. In view of the statement made by the respondents, learned counsel for the petitioner seeks leave to withdraw this petition. Writ petition is dismissed as withdrawn.

(V.C.DAGA, J.) **(DR.S.RADHAKRISHNAN, J.)**